



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,404	07/29/2003	Noriyuki Suzuki	00862.023154.	6374
5514	7590	07/02/2008	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			CHERY, MARDOCHEE	
ART UNIT	PAPER NUMBER		2188	
MAIL DATE	DELIVERY MODE		07/02/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/628,404	SUZUKI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	MARDOCHEE CHERY	2188	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 22 April 2008.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,4-7,9-12 and 14-16 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,4-7,9-12 and 14-16 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>4/22/08</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office Action is a reply to Applicant's communication filed on April 22, 2008 in response to PTO Office Action mailed on December 28, 2007. The Applicant's remarks and amendments to the claims and/or the specification were considered with the results that follow.
  
2. In response to the last Office Action, claims 1, 4-7, 9-12, and 14-16 are amended. Claims 1, 4-7, 9-12, and 14-16 are pending.

### ***Response to Arguments***

3. Applicant's arguments filed on April 22, 2008 have been fully considered but they are not persuasive.

Applicant's representative argues on pages 8 and 10 of the remarks that the applied art and specifically Uchida is not seen to disclose or suggest "invalidating, by a storage unit, a connection with an information processing apparatus when an eject instruction is received, waiting, by the storage unit, until an operation which should be complete in the storage unit before the storage unit is ejected, after the invalidation the invalidation unit starts to invalidate the connection, and outputting an eject permission signal to the information processing apparatus as a response to the eject instruction, after completion of the waiting".

Examiner respectfully disagrees. Uchida discloses “authentication control section that authenticates the authorized user and outputs a disk ejection instruction to the mechanism control section if the registered password and disk ejection instruction are input; Abstract; if the user inputs a disk ejection instruction and authentication information i.e., wrong authentication information, the mechanism control means cannot output the disk ejection instruction so the disk is not ejected; pars.0008-0009; a decision section decides whether or not the authentication information that is input from said authentication information input means and the authentication information stored in said authentication information storage section are in agreement; if agreed, output a disk ejection instruction; pars. 0010-0011, 0040; when completion of ejection of the disk is detected, the operation control section stops the loading motor; par. 0049".

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 4-7, 9-12, and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto (2002/0032839) in view of Uchida (2004/0037174).

As per claim 1, Yamamoto discloses a storage unit which is detachable from an information processing apparatus, and has a storage medium for storing data from the information processing apparatus [Figs .2, 15; paragraph 12, lines 1-3, paragraphs 13 and 17-18] comprising: having an ejecting unit configured to eject the storage unit [Fig.15; par. 17]; output means for externally outputting an eject permission signal in accordance with input of the eject instruction [par.11]; arranged inside the storage unit [Abstract; pars. 0017, 0018].

However, Yamamoto does not explicitly teach a controller for controlling storage of data into the storage medium; receiving unit configured to receive an eject instruction to eject the storage unit from the information apparatus; and output unit configured to output an eject permission signal, as a response to the ejection instruction, to the information processing apparatus for ejecting the storage unit by said ejecting unit after completion of the wait of said waiting unit as recited in the claim.

Uchida discloses a controller for controlling storage of data into the storage medium [Fig. 1; controller 20]; receiving unit configured to receive an eject instruction of ejecting the storage unit from the information apparatus [Fig. 1; eject instruction section 34]; an invalidation unit configured to invalidate a connection with the information processing apparatus when said receiving unit receives the eject instruction [Abstract; pars. 008-009]; a waiting unit configured to wait until an operation which should be complete in the storage unit before the storage unit is ejected is complete, after said

invalidation unit starts to invalidate the connection [pars. 10-11, 17-18, 40, 49]; and output unit configured to output an eject permission signal as a response to the eject instruction to the information apparatus for ejecting the storage unit by said ejecting unit after completion of the wait of said waiting unit [Fig. 6; Abstract; pars. 8-11] to provide a disk drive device wherein removal of the disk drive by persons other than the authorized user can be positively prevented (par. 6).

Thus, it would have been obvious to one of ordinary skill in the art at the time of invention by Applicant to modify the system Yamamoto to include a storage unit with a controller, means for receiving an eject instruction, output means for outputting an eject permission signal since this would have provided a disk drive device wherein removal of the disk drive by persons other than the authorized user can be positively prevented (par. 6) as taught by Uchida.

As per claim 4, Yamamoto discloses output unit uses an extra signal line [par.128].

As per claim 5, Yamamoto discloses said receiving unit receives an eject command as the eject instruction [par.11].

As per claim 6, Yamamoto discloses receiving unit receives a status of an operation switch as the eject instruction via an extra signal line [par.128].

As per claim 7, Yamamoto discloses the receiving unit further comprises switch receiving unit configured to receive a status of an operation switch, and notification unit configured to notify the information processing apparatus of an operation status of the operation switch on the basis of the status of the operation switch that is received by said switch receiving unit [pars.124 and 127].

As per claim 9, Yamamoto discloses the operation switch is arranged in the storage unit [Fig.17].

As per claim 10, Yamamoto discloses providing unit configured to provide a user interface [par. 8]; issuing unit configured to issue eject instruction to the storage unit in accordance with user operation to the user interface [par.8]; and eject unit configured to eject the storage unit on the basis of an eject permission signal which is output from the storage unit in accordance with the eject instruction [par. 11].

As per claim 11, Yamamoto discloses monitoring unit configured to inquire of the storage unit as to a status of an operation switch, and monitoring a status signal representing the status of the operation switch [pars. 124 and 127]; issuing unit configured to issue eject instruction to the storage unit in accordance with user operation to a user interface provided by software or the status signal [par. 127]; and eject unit configured to eject the storage unit on the basis of an eject permission signal which is output from the storage unit in accordance with the eject instruction [par. 127].

As per claim 12, the rationale in the rejection of claim 1 is herein incorporated.

Yamamoto further discloses a receiving step of receiving eject instruction to the storage unit in accordance with user operation to the user interface [par. 8]; and an eject step of causing the information processing apparatus to eject the storage unit on the basis of the eject permission signal [par.11].

Uchida further discloses an output step of causing the storage unit to output an eject permission signal as a response to the eject instruction to the information processing apparatus in accordance with the eject instruction after completion of the wait of said waiting unit [Fig. 6].

As per claim 14, the rationale in the rejection of claim 1 is herein incorporated.

As per claim 15, Yamamoto discloses the apparatus further comprises an eject designation switch, and said transmission unit to transmit the eject instruction to the storage unit in accordance with operation on said eject designation switch [pars. 124 and 127].

As per claim 16, Yamamoto discloses the receiving unit, after reception of the eject instruction, ignores a subsequent ejection instruction [0127].

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. When responding to the office action, Applicant is advised to clearly point out the patentable novelty that he or she thinks the claims present in view of the state of the art disclosed by references cited or the objections made. He or she must also show how the amendments avoid such references or objections. See 37 C.F.R. 1.111(c).

8. When responding to the Office action, Applicant is advised to clearly point out where support, with reference to page, line numbers, and figures, is found for any amendment made to the claims.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mardochee Chery whose telephone number is (571) 272-4246. The examiner can normally be reached on 8:30A-5:00P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on (571) 272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hyung S Sough/  
Supervisory Patent Examiner, Art Unit 2188  
06/30/08

June 26, 2008

Application/Control Number: 10/628,404  
Art Unit: 2188

Page 10

Mardochee Chery  
Examiner  
AU: 2188